

### Remarks/Arguments

Reconsideration of this application is requested. A request for continued examination (RCE) and a request for a two month extension of time to July 17, 2005 are enclosed in response to the final Office Action mailed February 17, 2005.

#### **Claim Status**

Claims 1, 3-5, 7, 9-11, 13, 14 and 17-21 were previously presented and remain pending. Claims 1, 5, 11 and 14 are amended.

#### **Claim Rejections**

Claims 1, 3, 5, 7, 14, 17 and 18 are rejected under 35 USC 102(b) as anticipated by Schwaller et al. (US 5,384,693) ("Schwaller"). Claims 4, 9-11, 13 and 19-21 are rejected under 35 USC 103(a) as obvious over Schwaller. In response, independent claims 1, 5, 11 and 14 are further amended to clarify the distinctions of the present invention relative to Schwaller.

Independent claims 1, 5, 11 and 14, as amended, clearly delineate the following points of distinction relative to Schwaller:

- *Each* of the light emitting elements extends in the *same direction*, and that direction is *perpendicular* to the substrate on which the light emitting elements are mounted. Since the substrate is mounted on a rear fender that is angled relative to a vertical line, each of the light emitting elements extends in a direction *angled relative to a horizontal line*.
- A lens covers the light emitting elements and has a directivity that causes light emitted in the direction angled relative to the horizontal line to be *redirected* in a direction along the horizontal line. Thus, although all of the light emitting elements are mounted and thus emit light in a direction that is angled relative to horizontal, the lens redirects the light such that it projects rearwardly from the motorcycle in a horizontal (non-angled) direction.

The tail light of Schwaller, by contrast, is mounted onto a support 4 that extends perpendicular relative to the horizontal direction (see attached Fig. 3). This is in contrast to the lamp substrate of the present invention, which extends diagonally relative to the horizontal direction along the slope of the rear fender. In Schwaller, light emitting diode 1 is mounted perpendicular to support 4, however, the remaining diodes 2, 3 are "off-axis diodes for generating sufficient illumination in lateral and upward directions". Thus *all* of Schwaller's diodes do not extend in a *same* direction which is perpendicular to the substrate, as is now specifically required by applicant's claims. Moreover, because Schwaller's support 4 is mounted in a direction completely perpendicular to horizontal (see Fig. 3), it does not produce a configuration wherein *all* light emitting elements extend and emit light in a direction *angled* from a horizontal line, as is also now required by all claims.

Applicant's claimed configuration, in which all LEDs extend in a direction perpendicular relative to the substrate, is significant and advantageous in that it simplifies the mount construction of those LEDs to the substrate. This simplification is one of the significant improvements of the present invention. This configuration, in combination with mounting of the substrate on the angled rear fender, permits the tail lamp device to be made thinner, protrude less from the rear fender and provide a more integrated appearance.

However, because all LEDs are mounted perpendicular to the substrate, and the substrate is mounted at an angle on the fender, the light emitted from the LEDs is emitted at an upward angle from horizontal, and thus does not project rearwardly and horizontally from the motorcycle as is needed. Applicant solves this problem with the inventive provision of a lens having a directivity that redirects the light from an angled direction to a horizontal direction. It is this combination of a substrate mounted on an angled rear fender, light emitting elements mounted perpendicular on the substrate and a lens having a directivity that changes the emission direction of the light from an angled direction to a horizontal direction that

is key to the present invention and is not found or suggested in Schwaller or any other cited art.

Schwaller, by contrast, merely discloses a transparent cover 6. There is no discussion or suggestion that cover 6 has any directivity properties that change the transmission direction of the light emitted from diodes 1, 2 and 3. Specifically, there is no suggestion that cover 6 causes light emitted in an angled direction to be redirected to a horizontal direction. Indeed, diodes 1, 2 and 3 are configured and extended in different directions so that light emitted from them is projected in different directions and, thus, it would be impossible for cover 6 to have a directivity causing all light from these differently configured diodes to be transmitted in the same, horizontal direction.

Claims 4, 9, 14 and 19 further claim a concave section in the housing for receiving the light emitting elements. This is very advantageous in that it inhibits the tail lamp device from protruding rearward and provides a more integrated appearance. The Action asserts that it would be obvious to mount the device of Schwaller in a rear fender with applicant's claimed concave section in order to improve its appearance. Applicant respectfully disagrees and traverses this assertion. Schwaller is not concerned with "streamlining" the appearance of his illumination device. Reference is made to Figure 3, in which cover 6 protrudes a great deal from the rear fender and it is apparent that no effort or concern at all has been given to integrating or streamlining the illumination device with the rear fender. It is the very unaesthetic appearance of devices such as Schwaller's that applicant's invention seeks to improve on. A person of ordinary skill in the art would find no motivation in Schwaller, which is utterly unconcerned with aesthetic appearance, to take further measures such as the provision of applicant's concave section to improve aesthetics.

### **Conclusion**

This application is believed to be in condition for allowance. The Examiner is urged to telephone the undersigned if this response does not resolve all outstanding


Appl. No. 10/624,923  
Amdt. dated July 11, 2005  
Reply to Office Action of February 17, 2005

Atty. Ref. 89277.0004  
Customer No. 26021

issues in this application. Any fees due with this amendment may be charged to our Deposit Account No. 50-1314.

Respectfully submitted,  
HOGAN & HARTSON L.L.P.

Date: July 11, 2005

By:   
Troy M. Schmelzer  
Registration No. 36,667  
Attorney for Applicant(s)

500 South Grand Avenue, Suite 1900  
Los Angeles, California 90071  
Phone: 213-337-6700  
Fax: 213-337-6701